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Second special session
Nairobi, 1-3 August 1990
Agenda item 5

PROCEEDINGS OF THE GOVERNING COUNCIL AT ITS SECOND SPECIAL SESSION

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INTRODUCTION

1. Pursuant to Governing Council decision 15/4 of 26 May 1989 and General Assembly resolution 44/229 of 22 December 1989, the second special session of the Governing Council of the United Nations Environment Programme (UNEP) was held at UNEP headquarters, Nairobi from 1 to 3 August 1990. The Council adopted the present report at the fifth meeting of the session, on 3 August 1990.

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CHAPTER I

ORGANIZATION OF THE SESSION

A. Opening of the session

2. The second special session was opened on 1 August 1990 by Mr. I.N. Topkov (Bulgaria), President of the Council.

3. The President drew attention to the increasing political importance of environmental issues and growing public awareness of environmental threats. He commended the work done since the fifteenth regular session of the Council, noting, however, the immensity of the tasks that remained. He also recapitulated the issues raised by the Executive Director and singled out the issues of climate change, ozone, freshwater, stressing that the relationship between environment and development is vital. Further, he called for dealing with the relationship between environment and economics in such a way as to crush the vicious circle of poverty and environmental degradation, stressing the importance of long-term vision to secure intergenerational equity and noting that the business community had begun setting a green agenda. He cautioned that, while ecology brought nations together, its problems could also aggravate relations between them. In conclusion, he appealed to the Council to make this session not only its shortest, but its most successful, short on rhetoric and long on action.

B. Attendance

4. The following States members of the Governing Council 1/ were represented at the session:

Argentina
Austria
Bangladesh
Barbados
Brazil
Bulgaria
Burundi
Canada
Chile
China
Colombia
Costa Rica
Côte d'Ivoire
Czec and Slovak Federal Republic
Finland
France
Gabon
German Democratic Republic
Germany, Federal Republic of
Mexico
Netherlands
New Zealand
Norway
Oman
Pakistan
Peru
Philippines
Poland
Rwanda
Saudi Arabia
Spain
Sri Lanka
Sudan
Thailand
Togo
Tunisia
Turkey
Uganda

1/ The membership of the Governing Council was determined by elections held at the 35th plenary meeting of the forty-third session of the General Assembly, held on 24 October 1988, and the 45th plenary meeting of the forty-fourth session, held on 6 November 1989 (decisions 43/308 and 44/309).

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Guyana
India
Indonesia
Japan
Jordan
Kenya
Kuwait
Lesotho
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America
Venezuela
Yugoslavia
Zaire
Zimbabwe

5. The following States not members of the Governing Council but Members of the United Nations or members of a specialized agency or of the International Atomic Energy Agency were represented by observers:

Algeria
Australia
Belgium
Byelorussian Soviet Socialist Republic
Central African Republic
Cyprus
Denmark
Djibouti
Egypt
Ethiopia
Ghana
Greece
Grenada
Iceland
Iran
Iraq
Israel
Italy
Jamaica
Madagascar
Malawi
Malaysia
Maldives
Morocco
Nigeria
Portugal
Republic of Korea
Romania
Senegal
Sweden
Switzerland
Syrian Arab Republic
United Republic of Tanzania
Uruguay
Yemen
Zambia

6. The Holy See, not a Member of the United Nations, was also represented by an observer.

7. The following United Nations bodies and Secretariat units were represented:

United Nations Department of Technical Co-operation for Development
United Nations Office for Ocean Affairs and the Law of the Sea
United Nations Conference on Environment and Development (UNCED)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Development Programme (UNDP)
United Nations Population Fund (UNFPA)
Economic and Social Commission for Western Asia (ESCWA)
United Nations Centre for Human Settlements (Habitat)
Office of the United Nations High Commissioner for Refugees (UNHCR)
United Nations Centre on Transnational Corporations
United Nations Sudano-Sahelian Office (UNSO)
World Food Programme (WFP)

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8. The following specialized agencies and other organizations of the United Nations system were represented:

International Labour Organisation (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
International Civil Aviation Organization (ICAO)
World Health Organization (WHO)
World Bank
World Meteorological Organization (WMO)
Intergovernmental Oceanographic Commission (IOC) of UNESCO

9. The following other intergovernmental organizations were represented:

African Development Bank (ADB)
Arab League Educational, Cultural and Scientific Organization (ALECSO)
Commission of the European Communities (CEC)
Commonwealth Secretariat
Council for Mutual Economic Assistance (CMEA)
Gulf Co-operation Council
League of Arab States
Niger Basin Authority
Organization of Afrian Unity (OAU)

10. In addition, the following international non-governmental organizations were represented by observers:

Arab Office of Youth and Environment
Asian Environmental Society
Association of South Pacific Environmental Institutions (ASPEI)
Baha'i International Community
Environmental Liaison Centre International (ELCI)
European Environmental Bureau
Greenpeace International
International Council of Environmental Law
International Council for Research in Agroforestry
International Lake Environment Committee Foundation
International Organization of Consumers' Unions (IOCU)
International Union for Conservation of Nature and Natural Resources (IUCN)
International World Friends Committee for Consultation
Latin American Energy Organization
Soroptomist International
World Association of Girl Guides and Girl Scouts (WAGGGS)

11. The following other organizations were represented by observers:

African National Congress of South Africa (ANC)
Palestine
Pan Africanist Congress of Azania (PAC)

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C. Officers

12. According to rule 18 of the rules of procedure, "at the commencement of the first meeting of its regular session, the Governing Council shall elect a President, three Vice-Presidents and Rapporteur from among its members". Rule 19 provides that the President, Vice-Presidents and Rapporteur shall hold office until their successors are elected (i.e., at the 1st meeting of the next regular session). Accordingly, the following officers, elected at the fifteenth regular session, continued to serve in their respective capacities at the second special session:

President:	Mr. I.N. Topkov (Bulgaria)
Vice-Presidents:	Mr. G. Garcia (Colombia) Mr. J. Nyagah (Kenya) Mr. E. Rajakoski (Finland)
Rapporteur:	Mr. S. Tell (Jordan)

D. Agenda

13. At the opening meeting of the session, the Council adopted the following agenda on the basis of the provisional agenda by the Executive Director (UNEP/GCSS.II/1):

1. Opening of the session.
2. Adoption of the agenda.
3. Priority evolving environmental issues.
4. Other business.
5. Adoption of the report.
6. Closure of the session.

E. Organization of the work of the session

14. At the opening meeting of the session, the Governing Council considered and approved the organization of the work of the session in the light of the suggestions made by the secretariat in the annotations to the provisional agenda and the timetable of meetings suggested by the Executive Director (UNEP/GCSS.II/1/Add.1).

15. The Council also decided to establish an informal open-ended Presidential Negotiation Group, to be chaired by the President of the Council, H.E. Mr. I. Topkov (Bulgaria), with a core membership of two representatives from each regional group to consider the texts of draft decisions before their submission to the plenary for formal consideration.

F. Introductory statement by the Executive Director

16. At the opening meeting of the session, the Executive Director made an introductory statement focusing on the main tasks before the Council. The full text of the Executive Director's statement is contained in document UNEP/GCSS.II/2/Add.4.

G. Statement by the Secretary-General of the United Nations Conference on Environment and Development

17. In a statement to the Council at the opening meeting of the session, the Secretary-General of the United Nations Conference on Environment and Development (UNCED) said that the issues addressed by the Conference were already the subject of programmes and activities under way both in the United Nations system and at the international and national levels. The preparatory process therefore had to draw fully upon the capacities of the responsible agencies and organizations, where necessary complementing and supplementing their work to meet the Conference objectives and timetables. He was most encouraged by the co-operation that had already been extended to UNCED by the United Nations system. In particular, UNCED was indebted to UNEP for its leadership, in co-operation with other United Nations agencies through the Designated Officials for Environmental Matters, in preparing the overview paper on United Nations system-wide activities in the fields of environment and development, which was a basic document for the forthcoming Preparatory Committee session and a primary source of information for the UNCED secretariat. In view of the valuable contribution it would make to the Conference, other relevant work by UNEP should be closely related to the preparatory process. He was gratified that at the secretariat level, close co-operation had already been established.

18. He noted that the 1992 Conference would address the issue of institutions, which was related to the future of UNEP. While it was too early to speculate on the decisions which might be taken by the Conference, it was recognized that UNEP had earned the confidence and respect of the international community. It deserved to be strengthened so that it could carry out its expanding responsibilities as the global environmental protection agency of the planet.

19. The Conference also had to provide for a major strengthening in the processes of co-ordination and collaboration through which the members of the United Nations system could co-operate with each other and with other intergovernmental and non-governmental organizations in the growing range of programmes and activities. That constituted the principal challenge faced in terms of institutional innovation and effectiveness.

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CHAPTER II

ADOPTION OF DECISIONS*

Strengthening of the role of the United Nations Environment Programme and the Governing Council (decision SS.II/1)

20. At the 5th meeting of the session, on 3 August 1990, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.15).

21. In introducing the draft decision, the President stated that no consensus had been achieved in the informal negotiations on its operative paragraphs, as indicated by the square brackets surrounding that part of the text.

22. The representative of Mexico suggested that consensus might be achieved by inserting an additional preambular paragraph, by which the Council would recall General Assembly resolution 44/228, and replacing the word "following" in the first line of paragraph 3 with the words "as a consequence of".

23. The Council approved the proposal of the representative of Mexico.

24. The draft decision, as amended on the proposal of the representative of Mexico, was adopted by consensus.

New developments in the protection of the ozone layer (decision SS.II/2)

25. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.8), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.4).

26. The draft decision was adopted by consensus.

Climate (decisions SS.II/3 A to C)

27. The Council adopted three decisions related to climate, as indicated in paragraphs 28 to 46 below.

Second World Climate Conference (decision SS.II/3 A)

28. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.9 and Corr.1).

29. The draft decision was adopted by consensus.

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* For the text of the decisions adopted by the Governing Council at its second special session, see annex I to the present proceedings.

Intergovernmental Panel on Climate Change (decision SS.II/3 B)

30. At the 5th meeting of the session, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.16), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.2).

31. In introducing the draft decision, the President stated that no consensus had been achieved in the informal negotiations on the operative part of the draft, as indicated by the square brackets surrounding the operative paragraphs.

32. The representative of Guyana, speaking on behalf of the members of the Group of Latin American and Caribbean States that were members of the Council, proposed that the chapeau of paragraph 1 of the operative part of the draft decision should be replaced by the following text:

> "Requests the Executive Director to arrange, jointly with the Secretary-General of the World Meteorological Organization, for the continuation of the Panel as a joint panel of the United Nations Environment Programme and the World Meteorological Organization, ensuring that its future work is supportive of and responds to the requests of the negotiating group and that it is so structured as to facilitate and ensure more active participation of developing countries, particularly in avoiding proliferation of meeting locations and co-incidence of meeting dates. The Panel should, inter alia:"

33. Following statements from the representatives of Sweden and Australia, the representative of Guyana revised his amendment so that the phrase "the requests of the negotiating group" read "the needs and requests of the climate convention negotiating group".

34. The Council approved the revised amendment of the representative of Guyana.

35. On the proposal of the representative of Australia, the Council also approved the insertion of the words "and small island States" after the word "countries" in paragraph 1 (e) of the draft decision.

36. The Council further approved, on the proposal of the representative of Saudi Arabia, the deletion of the words "to the fund established" in paragraph 1 (f) of the draft decision and, on the proposal of the representative of Guyana, speaking on behalf of the members of the Group of Latin American and Caribbean States that were members of the Council, the substitution of the words "these purposes" for the words "this purpose" at the end of the same paragraph.

37. Following clarification from the Executive Director, the Council agreed that the reference to the World Meteorological Organization in the penultimate line of paragraph 3 of the draft decision should be deleted.

38. The representative of Sweden, speaking in explanation of position before the adoption of the decision, said that, while it was clear that the negotiating body established for a climate convention could ask for assistance from the scientists on the Panel, it was essential for all to respect their independence and integrity.

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39. The draft decision, as orally amended, was adopted by consensus.

40. Speaking in explanation of position after the adoption of the decision SS.II/3 B, the representative of Brazil said that climate change affected mankind as a whole and should be dealt within a global framework in a spirit of mutual co-operation. For that reason, his delegation had joined the consensus on the decision, which authorized the Executive Director to arrange for the continuation of the work of the Intergovernmental Panel on Climate Change (IPCC). IPCC had done remarkable work in searching for scientific and technical data to serve as a basis for the negotiation of a framework convention on climate change. It was, however, common knowledge that the participation of the developing countries in its deliberations had been far from adequate. His delegation considered that the future work of IPCC should be structured with a view to ensuring full and adequate participation from the developing countries. His delegation was also convinced that the mandate of future work of IPCC should be based on the results of the fourth plenary session of the Panel, to be held in Stockholm by the end of the current month, and ultimately on the requirements to be established by Governments during the negotiations of the framework convention on climate change.

41. The representative of Mexico also explained his delegation's position on the decision, in conjunction with his statement following the adoption of decision SS.II/3 C (see paragraph 46 below).

Framework convention on climate change (decision SS.II/3 C)

42. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.17), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.1).

43. The representative of the United States of America sought and obtained clarification from the Bureau that the words "as appropriate" in paragraph 2 of the draft decision applied only to the "other related legal instruments" and that the punctuation of that paragraph would be changed, as necessary, to reflect that fact.

44. The draft decision was adopted by consensus.

45. Speaking in explanation of position after the adoption of the decision, the representative of Italy, on behalf of the States members of the European Communities that were members of the Council, said that those States had supported the decision but felt that it could have been improved by formally authorizing the Executive Director to develop, in close co-operation with the Food and Agriculture Organization of the United Nations and the World Meteorological Organization, an appropriate legal instrument on global forestry. However, in the interests of achieving consensus, they had not pressed the point.

46. Speaking in explanation of position after the adoption of decisions SS.II/3 B and C, the representative of Mexico stressed the importance that his Government attached to an early adoption of a draft convention on climate change. He underlined the need to undertake the preventive measures to avoid the negative consequences of climate change that could be included in a legally binding international instrument. Having praised IPCC for its technical and scientific achievements, he said that it

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was, however, obvious that most developing countries had not had an adequate opportunity to participate in its work, and that situation had to be corrected in the future. Turning to the elaboration of a convention, he said that that was mainly a political, not a technical, endeavour which, as such, must be directed by Government representatives. It was therefore necessary for the technical and scientific advice provided by IPCC to the open-ended working group to be subordinate to the specific requests from the latter. For the same reason, his delegation had insisted that the General Assembly as well as the Preparatory Committee had a major role to play in recommending criteria for the drafting of the convention. That was a necessary prerequisite for an early application of the convention.

Hazardous wastes (decisions SS.II/4 A and B)

47. The Council adopted two decisions related to hazardous wastes, as indicated in paragraphs 48 to 52 below.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (decision SS.II/4 A)

48. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject, entitled "Hazardous wastes", submitted by the Bureau (UNEP/GCSS.II/L.10).

49. The draft decision was adopted by consensus.

Comprehensive approach to hazardous waste (decision SS.II/4 B)

50. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.14), which superseded an earlier draft decision on the same subject submitted by Denmark, Iceland, Italy, Nigeria and Uganda (UNEP/GCSS.II/L.6).

51. A technical correction (UNEP/GCSS.II/L.14/Corr.1 (English only)) to the English text of paragraph 4 of the draft decision was introduced orally by the Secretary of the Council.

52. The draft decision was adopted by consensus.

International legal instrument on the biological diversity of the planet (decision SS.II/5)

53. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject (UNEP/GCSS.II/L.11).

54. Technical corrections to the English and French texts of the draft decision (UNEP/GCSS.II/L.11/Corr.1 (English and French only)) were introduced orally by the Secretary and by the representative of France.

55. The representative of Brazil proposed that the word "conservation" in the fourth line of paragraph 2 of the draft decision should be replaced by the words "sustainable and rational use".

56. After a brief discussion, during which the representative of the United Kingdom stated his delegation's opposition to the Brazilian amendment and the representative of the Federal Republic of Germany proposed alternative wording to accommodate both positions, the President, speaking on behalf of the

Bureau, revised the draft to include the words "and rational use" after the word "conservation" in the fourth line of paragraph 2.

57. The draft decision, as revised by the President, was adopted by consensus.

Need for effective global protection of ocean and coastal ecosystems (decision SS.II/6)

58. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.12), which superseded an earlier draft decision on the same subject submitted by Denmark, Iceland, Italy, Nigeria and Uganda (UNEP/GCSS.II/L.7).

59. Technical corrections to the text of the draft decision (UNEP/GCSS.II/L.12/Corr.1) were introduced orally by the Secretary.

60. The draft decision was adopted by consensus.

Location of meetings of the open-ended negotiating working groups on biological diversity and climate change (decision SS.II/7)

61. At the 5th meeting of the session, on 3 August, a draft decision on this subject was presented orally to the Council by the representative of Guyana, speaking on behalf of the members of the Group of Latin American and Caribbean States that were members of the Council.

62. The draft decision, as revised by the sponsors and orally amended by the representatives of the United Kingdom and New Zealand, was adopted by consensus.

63. Speaking with reference to subparagraph (b) of the operative part of the decision, the Executive Director informed the Council that since the open-ended working group for negotiating a convention on climate change was the responsibility of both the World Meteorological Organization (WMO) and the United Nations Environment Programme, any arrangements for the location of its meetings would have to be made in consultation with the Secretary-General of WMO.

The situation in the Middle East (decision SS.II/8)

64. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by Kuwait (UNEP/GCSS.II/L.19).

65. The draft decision was adopted by consensus.

66. In explanation of position after the adoption of the decision, the representative of Italy, on behalf of the States members of the European Communities that were members of the Council, informed the Council that the traditional position of the Communities and their member States was to avoid politicization of United Nations technical bodies. Nevertheless, because the invasion of Kuwait by Iraq was such an exceptionally serious event, the Communities and their member States had felt that the afore-mentioned position of principle must not be allowed to prevent them from expressing their profound concern and joining in the consensus on the decision.

Priority evolving environmental issues for consideration by the Preparatory Committee for the 1992 United Nations Conference on Environment and Development (decision SS.II/9)

67. At the 5th meeting of the session, on 3 August, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.18), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.5).

68. The draft decision comprised thirteen sections, which except as noted below and including the bracketed text in paragraph 2 of section II and paragraph 1 of section V, were adopted by consensus and without comment or amendment.

Section IV

69. On the proposal of the representative of the United States, the Council approved the insertion of the words "and other forms of marine life" at the end of paragraph 2 of section IV of the draft decision.

70. Following a request by the representative of Saudi Arabia for clarification, the Council approved the insertion of the words "in respect of the issues referred to in paragraph 2 above" after the word "actions" in the second line of paragraph 3, and agreed that the reference to oil pollution control technology contained in paragraph 4 of draft should be incorporated into paragraph 2.

Section V

71. During the adoption of section V, the representative of France pointed out the word "observation" in the final line of the preamble in the English text should have read "observatory".

72. The representative of Brazil reiterated his delegation's opinion that deforestation was not a major cause of desertification. However, in a spirit of compromise, his delegation would not oppose the inclusion of the word "deforestation" in the text of section V, paragraph 1, of the draft decision.

Section VII

73. In introducing section VII of the draft decision, the President said that no consensus had been achieved in the informal negotiating group on the wording of paragraphs 1 and 3. Consequently, the Council had before it two proposed formulations for each of those paragraphs.

74. The representative of the United States said that the first formulation of paragraph 1, as it appeared in the text, was unacceptable to his delegation, which hoped that the other members of the Council would consider that the thrust of the second alternative was the same.

75. The representative of India, speaking in support of the first proposed formulation of paragraph 1, said that without the inclusion of the word "additional" the purpose of the paragraph would not be served, since any switch to pollution-free technologies by developing countries would necessarily involve incremental costs.

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76. On the proposal of the representative of Kenya, the Council agreed to insert the words "made available to them on concessionary terms" after the word "resources" in the first proposed formulation of paragraph 1.

77. On the proposal of the representative of Mexico, the Council agreed to add the words "in particular cases to be decided upon" to the end of the first proposed formulation of paragraph 1 of the draft decision.

78. The representative of the United States, explaining that the basic problem his delegation had with the first alternatives for both paragraphs 1 and 3 was the inclusion therein of the notion of additional resources, requested that the bracketed text within section VII of the draft decision should be put to a vote by roll call.

79. Following the request of representative of the United States, a vote was taken by roll call on the first proposed formulation of paragraph 1, as amended by the representatives of Kenya and Mexico. That text was adopted by 48 votes to 1 with 1 abstention. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Côte d'Ivoire, Czech and Slovak Federal Republic, Finland, France, German Democratic Republic, Federal Republic of Germany, Guyana, India, Indonesia, Jordan, Kenya, Kuwait, Lesotho, Mexico, Netherlands, New Zealand, Norway, Oman, Pakistan, Peru, Philippines, Poland, Rwanda, Saudi Arabia, Spain, Sudan, Thailand, Togo, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Japan.

80. Following the note, the representative of the United States withdrew his request for a vote on the two proposed texts of paragraph 3, and the Council adopted the first proposed formulation of that paragraph.

Section VIII

81. The representative of Norway, said that it was his understanding of the outcome of the informal negotiations on section VIII of the draft decision that the title of section VIII should read "Environment, economics and sectoral policies" and that the words "to introduce environmental considerations into sectoral policies regarding energy, transport, industry, agriculture and other relevant sectors, as well as appropriate actions" should have been included after the word "actions" in the second line of the section.

82. The Council approved the text of section VIII as corrected by the representative of Norway.

Section IX

83. On the proposal of the representative of China, the Council agreed to insert the words "and problems in" after the words "experience on" in the third line of paragraph 2 of section IX.

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Section XIII

84. On the proposal of the representative of the United Kingdom, the Council agreed to add new preambular paragraph recalling General Assembly resolution 44/228 and delete the reference to that resolution in the operative part of the section XIII of the draft decision.

85. On the proposal of the representative of the United States, the Council also agreed to include the word "women" after the word "scientists" in the last line of the second preambular paragraph of section XIII of the draft decision.

86. The draft decision as a whole, with the revisions and amendments indicated in paragraphs 69 to 85 above, was adopted by consensus.

87. Speaking in explanation of position after the adoption of the decision, the representative of the United States recorded his delegation's adamant opposition to the language in paragraphs 1 and 3 of its section VII. In the spirit of co-operation which characterized the work of the Governing Council, the United States had chosen not to obstruct consensus on the decision as a whole. While the United States recognized the urgent need to direct a greater proportion of financial resources to developing countries in order to assist them in meeting their specific environmental needs, it felt strongly that existing international assistance institutions, as well as commercial sources of financing, should be fully utilized and redirected to address the broad range of environmental issues confronting developing countries.

88. The representative of India said that the developing world would be grateful to all the members of the Governing Council for having adopted section VII of the decision in the form that they had.

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CHAPTER III

PRIORITY EVOLVING ENVIRONMENTAL ISSUES

89. Under agenda item 3, which the Council discussed at its 1st to 4th plenary meetings of the session, the Council had before it the report of the Executive Director on priority evolving environmental issues (UNEP/GCSS.II/2 and Corr.1 and 2 and Add.1-4).

90. Many representatives congratulated UNEP and the Executive Director on the success of the Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held in London some five weeks previously, to adjust and amend the Montreal Protocol. They said that Meeting had marked a major step because developed and developing countries had reached consensus on a financial mechanism, an agreement on technology transfer and a clearing-house function that could well serve as models for future action to resolve other pressing environmental problems. Some representatives reiterated their commitment to contribute to the Multilateral Fund to enable developing countries to comply with the Protocol for the first year if the mechanism became operative in 1991, one representative pledging her Government's contribution of up to 3,000,000 Norwegian kroner. Some representatives, however, indicated that the merits and effectiveness of this funding mechanism had yet to be fully assessed. Several representatives suggested that this mechanism might be incorporated into the Global Environmental Facility when the facility was established.

91. One representative stated that CFCs should be phased out well before the year 2000 and not later than 1997, as indicated by several Governments at the London meeting. Several others informed the Council of their Government's commitments to a phase-out schedule faster than that agreed to at the meeting.

92. Some representatives informed the Council that their Governments had begun the procedure to become party to the Montreal Protocol.

93. Many representatives expressed praise and support for the work of the Intergovernmental Panel on Climate Change (IPCC), stating that it had contributed significantly to public awareness of the problem. One representative stated, however, that the multiplicity of meetings during the IPCC assessment programme prevented third world countries from playing a full role; though IPCC should continue its activities after the publication of its interim report in August 1990, it should meet only at the request of the convention negotiating group and deal only with the technical issues assigned to it by that group.

94. Some representatives suggested that the conclusions of the Second World Climate Conference be the point of departure for the elaboration of a convention on climate change, adding that the Conference should recommend global action to stabilize and reduce greenhouse gas emissions and call for more climate research and monitoring. In this connection, one representative called for a strengthening of the Background Air Pollution Monitoring Network.

95. Many representatives urged the early elaboration of a convention on climate change, stressing that it should be ready for signature at United Nations Conference on Environment and Development in 1992. One held that the risks arising from climate change were so great that prompt response

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action was necessary, despite uncertainties about the phenomenon. Other representatives expressed reservations about setting a target date, and emphasized the importance of taking the interests of developing countries into account. One representative said that the negotiations on a convention should take place in the context of the preparatory process for the 1992 Conference, and some suggested that the Preparatory Committee could offer valuable guidance to the negotiations. Several representatives urged that protocols on reforestation and on the reduction of greenhouse gases, in particular carbon dioxide, be negotiated simultaneously with the framework convention, one adding that the former would benefit the environment in general. The observer for FAO, however, expressed the view that it was inappropriate to legislate on forests in the limited context of climate change, favouring instead a specific convention on forests; he indicated that consultations on such an instrument would soon take place in connection with the next meeting of the Organization's Committee on Forests.

96. One representative asked for an action-oriented climate convention with legally binding obligations. Another stressed the need for measures at the local level that were both economically and environmentally sound. Still others drew particular attention to the vulnerability of small island countries threatened by sea-level rise and by the land degradation that climate change would cause.

97. Many representatives urged that the negotiations, under the joint auspices of UNEP and WMO, follow the guidelines provided by the UNEP Governing Council in its decisions and the resolutions of the WMO Executive Council. One representative stressed the need for clarifying the convention's financing and identifying appropriate resources for its implementation. Several others suggested that the approach successfully used in addressing the issue of ozone layer depletion served as an example that could be usefully followed in addressing climate change.

98. There was wide agreement that individual nations should take immediate action to protect the global atmosphere. Several representatives presented their countries' current and planned activities in this regard, such as rapid phase-out schedules for CFCs, promotion of energy efficiency, reduction of greenhouse gas emissions, reforestation programmes to expand natural sinks for carbon dioxide and the strengthening of atmospheric monitoring programmes. Several representatives noted the responsibilities of developed countries as the principal contributors to the degradation of the atmosphere, both historically and currently. Many stated that such countries must take the lead in protecting the environment, carefully examine the special needs of developing countries, and provide them with the economic means to enable them to undertake environmental protection measures without compromising their economic development. Some suggested compensating developing countries for the increased costs of environmental protection; another requested the establishment of a climate fund. One recommended undertaking studies of the financial mechanisms and costs associated with the elaboration of an effective and widely acceptable convention on climate change.

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99. The observer for WMO recapitulated the content of three resolutions recently adopted by the Executive Council of his organization, highlighting in particular the one in which the Executive Council had authorized the Secretary-General of WMO to convene, jointly with the Executive Director of UNEP, an open-ended ad hoc working group of government experts to prepare for negotiations on a framework convention based, inter alia, on the findings of the IPCC first assessment report. He expressed the hope that the Governing Council would decide to do likewise.

100. Several representatives warned of the emerging problem of water supply, both in terms of increasingly tough competition for limited amounts of water and as regards quality levels of both surface water and ground water. Several emphasized the importance of local, regional and international basin-wide co-operation, one expressing support for the work being carried out by UNEP promoting the integrated management of international watersheds. One representative called for an increase in scientific co-operation to enhance water monitoring capability.

101. Numerous representatives voiced praise and support for UNEP's regional seas programmes, referring in particular to the Caribbean, the South-East Pacific, the South Pacific, the Eastern African, the West and Central African and the Mediterranean regional programmes for combating marine pollution and coastal and marine environmental degradation; some called for additional resources to strengthen the implementation of action plans, including pollution control and resource management measures for coastal areas. Efforts in the Baltic and the North Sea were also cited. Other representatives noted the importance of recent actions taken on driftnet fishing, and some expressed the hope that the recently proclaimed moratorium on driftnet fishing in the South Pacific would lead to a global moratorium.

102. Representatives of countries on the Black Sea littoral called upon UNEP to assist them in the preparation of a regional seas programme for their region. Some representatives called for more controls on land-based sources of marine pollution, and two for new measures to manage the living resources of the high seas. The attention of the UNCED Preparatory Committee was drawn in particular by some representatives to the need to strengthen activities in oceans and coastal areas, the problems of marine mammals and the special situation of small island States against the background of possible climate change.

103. A number of representatives accorded the highest priority to desertification. Several representatives, while commending such international organizations as UNEP, United Nations Sudano-Sahelian Office, UNDP, the World Bank and the Intergovernmental Authority on Drought and Development for their support in combating desertification, expressed concern at the slow progress made with the implementation of the global Plan of Action to Combat Desertification (PACD), and several voiced concern about the regional and transboundary nature of the land degradation problem and its effects on food and energy production. A number of representatives referred to the linkages among land degradation, deforestation, desertification, climate change and loss of biological diversity; they and others called for additional resources and realistic measures to assist the developing countries in fighting the degradation problem. Some representatives mentioned desertification monitoring and assessment, and the Sahara and Sahel observatory project.

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104. Several speakers emphasized the importance of studies on the development of financing mechanisms for desertification control and on evaluation of the implementation of PACD.

105. A number of representatives, expressing grave concern at the detrimental effects of deforestation, underlined the need for more effective action regarding the sustainable management and conservation of forests, which were among the most important ecosystems in all climatic zones. Several representatives referred to the importance of reforestation, citing their national plans and action developed under the Tropical Forestry Action Plan. Some others recommended the strengthening of co-operation with FAO in the field of forestry activities.

106. A number of representatives said they regarded concern about deforestation, the need for reforestation and the need for protected areas as closely related to the broader issues of climate change and biological diversity. The observer for FAO said that his organization planned to develop a convention for the protection of forestry in addition to conventions on climate and biological diversity. Another speaker emphasized that discussion of tropical forests in the context of the climate convention should not hinder efforts to conclude a convention on biological diversity. A third pointed out that non-tropical forestry ecosystems were in some cases more endangered than those in the tropics.

107. Many representatives expressed support for the early negotiation and adoption of a global framework convention on biological diversity by 1992, so that the political momentum of the United Nations Conference on Environment and Development might help generate rapid signature. Some representatives, however, expressed reservations as to setting target dates for such conventions, as that might lead to instruments that would not attract universal support, and as some aspects still needed further analysis and assessment. One representative stressed that large-scale participation by developing countries was vital to the success of such instruments. Another called particular attention to the conservation of species as the genetic base of biotechnology.

108. Some representatives noted with satisfaction that the involvement and co-operation of such organizations as FAO and the International Union for Conservation of Nature and Natural Resources (IUCN) in the development of the convention would prevent duplication and resolve conflicts of interest at an early stage. Many representatives stressed that UNEP's wide experience in negotiating environmental conventions gave the Programme a leading role, which should be intensified. One said that, to avoid duplication of work, clarification was needed on the relationship between UNEP's working group and Working Group 1 of the Preparatory Committee on the same issue.

109. Many representatives emphasized the need for new and additional funding for developing countries so that they could meet the incremental costs arising from a convention on biological diversity and the transfer of relevant technologies.

110. One representative pointed out that the financial mechanism developed for the Montreal Protocol could serve as a model for the convention on biological diversity. One representative urged that special emphasis be placed on protection of forests, afforestation and combating desertification. Another stated that the convention should not seek to cover the whole field of biotechnology, but rather be confined to those aspects of biotechnology relevant to the conservation and sustainable development of biological diversity.

111. Many delegations pointed to the need to pay special attention to biotechnology transfer within the convention. The observer for the IUCN, however, expressed concern over including biotechnology, saying there was insufficient knowledge to draft international law on this at the present time. Such aspects, he stated, should be the subject of protocols.

112. One representative praised the activities undertaken by the informal UNIDO/WHO/UNEP working group on biotechnology safety. He pointed out that the introduction of genetically modified organisms into the environment needed careful examination and, to this end, suggested such measures as reviewing existing national and international guidelines, establishing regional expert groups, adapting existing guidelines to regional needs, developing a system of prior informed consent, assistance and training of experts in developing countries and the development, adoption and enforcement of a code of conduct; this last measures was supported by another representative. One representative supported the establishment of a sub-working group on biotechnology in connection with the work of the Ad Hoc Working Group of Experts on Biological Diversity for the convention. One observer pointed out that the Council of the European Communities had recently approved two new directives - one on contained use of genetically modified organisms, and one on deliberate release of such organisms into the environment.

113. A number of representatives commended UNEP's role in the field of potentially toxic chemicals and hazardous wastes, through IRPTC, the London Guidelines for the Exchange of Information on Chemicals in International Trade, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

114. One representative referred to his Government's contribution of $50,000 towards the work of the interim secretariat of the Convention, while another representative said that her country had contributed a total of 280,000 Norwegian kroner. Another representative expressed disappointment at the lack of commitment on the part of some countries. Some representatives expressed support for the draft African convention on hazardous wastes, prepared by OAU, since the Basel Convention did not provide for a total ban on exports of hazardous wastes to African countries. Another representative said that preparations for the 1992 Conference should include work on a global action plan for the safe and appropriate use and disposal of hazardous substances. Another said that the Preparatory Committee should carefully examine the "cradle to grave" approach to the handling of toxic chemicals.

115. A number of representatives stressed the importance of improved North-South co-operation as a means of improving living conditions, especially those of poor people in the developing countries. Several representatives considered that the living and working environment of poor people should be studied during the preparatory process for the 1992 Conference.

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116. Several representatives stressed that the African Ministerial Conference on the Environment (AMCEN) was an essential and effective forum to mobilize political action on environmental issues in Africa, and therefore endorsed the establishment of a trust fund for AMCEN in order to mobilize financial resources for the implementation of the Cairo Programme and to remedy the fact that significant progress had not yet been possible. One delegation urged countries to increase their support to that Programme.

117. Several representatives expressed satisfaction at the progress made by UNEP, through its Regional Office, in the preparation of an action plan on the environment for Latin America and the Caribbean, noting that the plan should contain responses to many of the region's environmental problems as well as strengthen regional co-operation in environmental matters. One representative said that the Declaration of Brasilia, adopted at the Sixth Ministerial Meeting on the Environment in Latin America and the Caribbean in March 1989, should serve as a basis for the action plan, which in turn should form an integral part of the region's common position at the 1992 Conference.

118. Several representatives stressed the importance of making additional financial resources available for developing countries to manage environmental problems and to ensure sustainable development. In recognizing the substantial financial requirements involved, many representatives stated that the issue was one of the most difficult facing the international community and that it should therefore be given high priority in the preparatory process for the United Nations Conference on Environment and Development. One representative proposed that an International Conference be convened to discuss the issue before the 1992 Conference.

119. One representative expressed the view that, given the complexity of this issue, the Governing Council should consider this theme at ministerial level at its next regular session; additionally, within the negotiating processes for conventions on climate change and biological diversity, in-depth studies on financial mechanisms and costs should be carried out.

120. Some representatives referred to the increasing difficulty for developing countries to find financing specifically for sound environmental management and sustainable development in view of the financial constraints they faced, in particular substantial foreign debt payments. Some representatives held that developed countries were in fact in debt to developing nations, having used the latter's resources to build their wealth. Many representatives drew the attention to the need for new and additional resources to be made available on concessional terms through bilateral or multilateral channels. A number of representatives sought to allay fears that the changing political situation in Europe might divert funding from developing countries; several indicated that additional resources might in fact be released as a result of reductions in military spending. Some representatives referred to the ecological debt to humanity, one stating that the recent agreements on financial mechanisms reached during the London negotiations on amendments to the Montreal Protocol bore witness to the good will and sense of responsibility of the developed countries towards this ecological debt.

121. Some representatives supported the further development of the user fee concept and other economic instruments, including tax incentives, as innovative efforts to raise funds internally and to achieve a better distribution of economic and environmental costs.

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122. One representative stressed the importance of practical steps to ensure assistance to developing countries for effective participation in environmental programmes in order to improve management of their own resources and for addressing global issues.

123. Encouraged by the establishment of the Trust Fund under the Montreal Protocol, several representatives recommended that this initiative serve as a model to be further developed to ensure additional sources of funding. Several representatives referred to the Global Environmental Facility as another possible model for new and additional funding and recommended that this proposal be elaborated further and possibly combined with the results of the Montreal Protocol funding mechanism. Some held that full use should be made of existing resource mechanisms for funding even as new possibilities were explored. In connection with the Global Environmental Facility, the observer for UNDP informed the Council that the Executive Director, the President of the World Bank and the Administrator of UNDP would soon meet to finalize interagency agreements to prepare for a meeting in Washington on this new mechanism. One representative reaffirmed his Government's commitment to contribute 10 per cent to the Global Environmental Facility. The observer for EEC recalled that the fourth Lomé Convention included provisions for funding environmental investments and for providing technical assistance to developing countries.

124. Some representatives referred to the recent decision to establish a Trust Fund in support of the Cairo Programme of Action. One suggested centralizing the administration of all trust funds for global environmental issues within UNEP in order to reduce administrative costs. To this same end, another proposed centralizing as much additional funding as possible under UNEP management.

125. Many representatives emphasized the need for the development of environmentally sound technologies, and for increased transfer of such technologies, especially to developing countries. Many characterized this issue as a priority matter. Several spoke of the responsibility of developed countries in this regard and the need for equitable sharing. One called for the elaboration of a convention on the subject. Another expressed the view that industrialized countries should commit themselves to the transfer of clean technology rather than purification technology. Several others underlined the complex technical, legal and financial aspects of the issue, suggesting that the subject should be discussed further at the next regular session of the Governing Council, as well as at the United Nations Conference on Environment and Development.

126. A number of representatives, when speaking of the transfer of environmentally sound technologies, stressed the importance of enhancing information exchange, technical assistance and training. Several recommended that UNEP be strengthened to perform such tasks. One representative offered full support for creating a UNEP Global Environment Technology Centre in his country to provide the assistance needed. Others welcomed this offer. Another offered to host a United Nations centre for information exchange on cleaner technologies in Geneva, together with other future UNEP centres. One representative proposed strengthening the ongoing activities of UNEP's Industry and Environment Office in training and information exchange. Another suggested that UNEP should support regional centres providing direct access to information.

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127. Some representatives drew attention to the problem of patents and the need of developing countries to receive environmental technology on preferential or non-commercial terms. One commended the work of UNEP and the World Intellectual Property Organization in this area. One endorsed the Executive Director's proposal for compulsory licensing of green technologies to help resolve global environmental probelms. Others maintained that an open framework for trade would enhance technology transfer.

128. A number of representatives emphasized the need for additional financial resources to enable developing countries to make the necessary investment in environmentally sound technology to implement the various conventions. In this connection, reference was made to the mechanism established for implementating the Montreal Protocol, and to the Global Environmental Facility as possible models.

129. One representative said his country was willing to play a more active part in international environmental monitoring, for example through the use of its satellites, space stations and research vessels, and to provide information and expertise in order to tackle emergency environmental situations.

130. Many representatives stated that in view of the fact that global environmental problems were linked with the processes of economic development, there was a recognized need to integrate environmental interests into overall social and economic planning. A number of representatives suggested that UNEP's role in promoting integration of environment and development should be strengthened. One representative, also speaking on behalf of a regional organization, expressed considerable concern that the thrust of UNEP's activities as set out in the Executive Director's report had been directed towards environmental problems and less towards the problem of resource management. One representative expressed the strong view that the Preparatory Committee review and consider appropriate actions to introduce integrated social and environmental policies on the basis of the comments made by the Governing Council on the views presented by the Executive Director, the relevant bodies of the United Nations system and the Organization for Economic Co-operation and Development on the subject of economics and environment.

131. One representative expressed the view that a proper valuation of environmental resources could play a major role in protecting the environment and that this required the development and application of natural resource accounting methodologies in national income accounting. Some representatives stated that the introduction of "green accounting" was already being developed in their countries.

132. Several representatives underlined the role of market forces and incentives to achieve environmental goals. Several other representatives stated that the transition towards environmentally sound and sustainable development would require a radical departure from current practices and approaches, as well as major changes in international economic relations. In addition, the need for the elaboration of the new environmental ethics was expressed.

133. A number of representatives pointed to the links between environmental well-being, population, and poverty. In this context, several spoke of the importance of sound family-planning policies and plans for the sensible management of resources.

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134. The observer for the United Nations Centre on Transnational Corporations (UNCTC) reported that the Economic and Social Council, at its last session, had noted with appreciation the Criteria for Sustainable Development Management, which UNCTC had drafted in order to upgrade corporate environmental performance.

135. Some representatives expressed the opinion that, before the developing countries could participate meaningfully in global action to preserve the environment, basic developmental needs had to be addressed. Developing countries, one representative pointed out, were particularly susceptible to the adverse impacts of environmental changes, since their economies were more dependent on direct use of natural resources. Before there could be international economic co-operation on the environment, stated one representative, there had to be international economic co-operation to establish an equitable economic order conducive to sustainable development.

136. One representative voiced the opinion that quick and effective action was necessary by the rich industrialized countries. He further stated that all aspects of problems had to be analysed before legal instruments were prepared and negotiated.

137. A number of representatives stated that the priority task facing developing countries was to alleviate poverty and achieve at least a minimum level of economic growth; but they were suffering from heavy external debt and an unfavourable economic climate and would require assistance from developed countries, UNEP, the United Nations system and international development institutions in the task of addressing their environmental problems and pursuing sustainable development.

138. A number of representatives supported UNEP's role in strengthening the capacity of developing countries to address environmental issues, in particular to enable them to pursue an integrated approach to environment development, and one of those representatives noted that his Government had increased its contribution to the Environment Fund with that aim in view. Another representative noted that the strengthening of UNEP's subregional activities would help enhance the developing countries' capacity to address environmental issues. One representative suggested that the capacity of the United Nations system to address environment and development issues in an integrated way should be strengthened, with UNEP playing a central role.

139. Many speakers felt that UNEP's role in assisting developing countries in integrating environmental considerations into development activities should be strengthened in the light of the evolving needs of the world community. One said that developing countries should be left to formulate environmental projects and activities on the basis of their own development plans and priorities. Another said that environment should not become a bone of contention as a result of externally imposed conditions.

140. Some representatives underlined the importance of the report on the state of the environment 1992 as an input to the United Nations Conference on Environment and Development and stressed the importance of replying on as broad a basis as possible in its preparation. One representative said that the report should be prepared in co-operation with leading NGOs and scientific institutions.

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141. Many representatives supported the strengthening of UNEP, several of them emphasizing in particular the Programme's existing roles and partnership with other bodies of the United Nations system. Some suggested that UNEP might well evolve into a full-fledged specialized agency, or a council comparable to the Economic and Social Council, while others warned against expanding UNEP functions at the expense of what the Programme already did well. One representative said her Government's position in this regard was guided by the recommendations of the World Commission on Environment and Development and the Environmental Perspective to the Year 2000 and Beyond, stressing the importance of flexibility in any proposed institutional arrangements as well as the necessity of including cost estimates.

142. Some representatives expressed the view that the Council should address itself to strengthening UNEP at the current session, some proposed further studies on strengthening the Programme to be considered by the Council at its next regular session, while others cautioned against taking action in this regard before UNCED decisions in 1992. One representative urged strengthening the Environmental Law and Institutions Unit in particular. Another suggested that UNEP engage a management consultant to develop a programme improvement plan. Still another proposed that UNEP play a greater role not only in the field of environment, but in the integration of environment and development. The observer for EEC asked that UNEP's capacity to influence the environment and development policies of other United Nations bodies be reinforced. One representative suggested that environmental policy be used to contribute to social development and economic growth.

143. Many of the representatives who spoke emphasized UNEP's role in the preparations for the United Nations Conference on Environment and Development, one noting that the priority issues for UNEP's work were almost identical to those identified by the General Assembly as issues for the Conference. In this regard, several drew attention to the transfer of technology in particular, suggesting that UNEP could make a special contribution to UNCED's understanding of this issue.

144. One representative suggested that the Conference issue a statement of principles recognizing the right of citizens to expect a clean and healthy environment. Another suggested that UNCED should give attention to the importance of traditional conservation knowledge and values. Another proposed that, in anticipation of the Conference' UNEP should prepare an enviromental code of conduct in co-operation with Unesco.

145. While some representatives advocated expanding the membership of the Governing Council, others expressed reluctance to do so, one drawing attention to the greater importance of participation at the ministerial level.

146. One representative endorsed the proposal that an executive or standing committee of the Council be established; another said he preferred to await a more detailed report on the subject from the Executive Director to the Council at its sixteenth regular session. Still another cautioned that setting up such a committee might lead to duplication of work with previously established bodies, as well as to increased administrative costs.

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147. A number of representatives emphasized the importance of increased regional, subregional and inter-country co-operation through regional action programmes, the establishment of subregional offices of regional environmental centres and the strengthening of UNEP'S regional offices. One representative and the observer for the Commission of the European Communities welcomed the Executive Director's proposals for addressing regional issues. Another representative stated that, despite the fact that some environmental issues were best tackled at the regional level, the regions were not universally well served by their regional environmental bodies.

148. Many representatives emphasized UNEP's central role as the major environmental focal point within the United Nations system and the effectiveness with which UNEP discharged its catalytic function, highlighting the need to strengthen UNEP's capacity in this regard. One suggested that the status of environmental affairs within the framework of the United Nations system be elevated to an independent council like the Economic and Social Council, the Trusteeship Council and the Security Council.

149. One representative stated that the Executive Director's proposal for joint meetings of at least two days of UNEP's Governing Council with that of UNDP merited consideration, while another endorsed the idea as particularly useful. Still another representative suggested that strengthening the relationship between environment and development could be achieved through closer ties with UNDP and other relevant bodies of the United Nations system.

150. One observer speaking on behalf of the Commission of the European Communities said that the verification of the commitments entered into is essential, and asked how many of the 2,000 bilateral and multilateral environmental conventions were actually being implemented.

151. One representative, while acknowledging the need for clear arrangements, stated that the Governing Council was not the appropriate body for the settlement of disputes; this was the task of other institutions such as the International Court of Justice.

152. One representative presented a detailed proposal for an inquiry commission, to be established by UNEP, to clarify the facts in any situation of environmental concern between countries and to report to the parties concerned and to UNEP; the proposal also outlined mechanisms and means for the settlement of environmental disputes such as the International Court of Justice.

153. Some representatives considered it particularly useful to hold a special session of the Governing Council in 1992 to review the implications of the decisions of UNCED for UNEP once countries had had sufficient time to consider the outcomes of the Conference.

154. Several representatives expressed their support for the establishment of a United Nations centre for urgent environmental assistance, and some expressed an interest in being actively involved in the development of the idea. One representative stated that such a centre should be operational by 1991, while another requested additional information. Another said that high priority should be given to natural disasters, and underlined the importance of close co-operation between UNEP and the Office of the United Nations Disaster Relief Co-ordinator (UNDRO) in that regard.

155. Some representatives expressed interest in the proposal to build on UNEP's monitoring skills and establish an early warning system. Addressing the issue of green brigades, several representatives suggested that the Executive Director convene a meeting in which Governments and NGOs could further elaborate the proposals.

156. Several representatives expressed support for the proposal to establish a World Environment Academy and one representative offered to host it. Some representatives requested further detailed information on the subject. However, one emphasized the need to exercise caution and avoid the proliferation of institutions that might eventually encounter financial difficulties; she suggested that existing institutions such as the Third World Academy should be strengthened so as to enable it to deal with the environment as part of its mandate.

157. A number of representatives observed that UNEP's role in environmental impact assessments of United Nations system activities should be strengthened. One representative suggested intensifying the provision of guidance by UNEP on environmental impact assessment and techniques of environmental management. Another felt that UNEP's capacity to influence environment and development policies within the United Nations system should be enhanced. While supporting the idea of strengthening UNEP's role in respect of environmental impact assessment, one representative suggested that UNEP itself should not carry out such assessments for projects conducted by other United Nations organizations; rather, the latter should themselves be responsible for carrying out such work, while UNEP should initiate pilot projects to develop guidelines on environmental impact assessment applicable to United Nations organizations.

158. One representative proposed that UNEP should evaluate the environmental impact assessment practices of United Nations agencies engaged in development activities. Another cautioned that environmental units in United Nations development institutions should not compete with UNEP but rather complement its work. The observer for IUCN expressed surprise that the process of environmental assessment of development in the United Nations system still required improvement.

159. Some representatives expressed the hope that, in light of the relevant resolution adopted by the Economic and Social Council at its second regular session of 1990, UNEP would, within its field of competence, take the necessary measures for the further development and co-ordination of national and international efforts to overcome the consequences of the accident at the Chernobyl nuclear power plant. In this regard, they underlined the desirability of launching a UNEP programme specially geared to that effect.

160. Many representatives expressed the need to increase contributions to the Environment Fund and stressed that they had made increases in line with the 1992 target of $100 million set by the Governing Council at its fifteenth regular session and hoped to be able to continue to do so. One representative stated that his Government would support increases beyond the $100 million target. Another representative said that the $250 million target by 1995 was a reasonable goal. Some representatives suggested that before increasing the target further, there should be a clear indication of how the funds would be used; such an indication should be made available to the Council at its next regular session. One representative called on developed countries to make proportionately greater increases than developing countries.

161. The observer for Palestine expressed appreciation for UNEP's efforts to investigate environmental conditions in the territories occupied by Israel with a view to alleviating the harmful efffects of the occupation, which were being exacerbated by the influx of new settlers, jeopardizing the Palestinians' right to live in their homeland. Current obstacles to progress in the peace process included the arrogance of power in Israel, United States patronage of Israel and the lack of effective world pressure against Israel. He urged the Council not to dissociate deliberations on the environment from efforts to lift oppression and halt brutalities.

162. The representative of Israel, speaking in exercise of the right to reply, said that previous attempts to raise political issues in technical organizations had been rejected, and urged the Council and the Executive Director to deal likewise with the present attempt.

163. The representative of Kuwait drew attention to the series of sea, air and land attacks to which his country was being subjected, and called on the Council to take a stand against such armed attacks, in which the environment always fell victim. His Government appealed to all peace-loving countries and international organizations concerned with environmental protection to express their great concern at such violation of human rights and attacks against natural resources.

164. The representative of Iraq, speaking in exercise of the right to reply, said that the remarks made by the representative of Kuwait had no place in the Council, which should not stray away from environmental issues. Only political authorities were empowered to discuss such matters. Iraq protected Kuwait just as it protected its own territory, as Kuwait was best placed to know.

Action by the Council

165. The Council then proceeded under agenda item 3 to consider and adopt a number of decisions, the text of which is contained in annex I to the present proceedings. Comments made at the time of the adoption of the decisions may be found in chapter II above.

Chapter IV

OTHER MATTERS

166. Under this agenda item, the Council at the 5th meeting of the session, on 3 August, took up the resport of the Bureau on the credentials of representatives.

167. The President, on behalf of the Bureau, reported that, in accordance with rule 17, paragraph 2, of the rules of procedure of the Council, the Bureau had examined the credentials of representatives attending the session. The credentials had been found to be in order.

168. The Council approved the report of the Bureau, as presented orally by the President.

CHAPTER V

ADOPTION OF THE REPORT

169. The present proceedings were adopted by the Council at the 5th meeting of the session, on 3 August 1990, on the basis of the draft proceedings issued as document UNEP/GCSS.II/L.13 and Add.1.

170. During the adoption of chapter I of the draft proceedings (UNEP/GCSS.II/L.13), the Council, on the proposal of the representative of New Zealand, agreed that, contrary to past practice, the international non-governmental organizations attending the session should be identified under section B ("Attendance") of that chapter.

CHAPTER VI

CLOSURE OF THE SESSION

171. At the 5th meeting of the session, on 3 August 1990, prior to the closure of the session, the Executive Director made a statement noting that the session, although brief, had been very productive. Expressing his special appreciation to the representatives who had indicated a further increase of their countries' contributions to the Environment Fund, he said that for the first time the $30-40 million level had been exceeded. Discussion at the session fell into three categories, the first of which had been the clear and concrete recommendations sent to the Preparatory Committee of UNCED. Concerning the second category, policy input and guidance for UNEP's priority areas, the Executive Director strongly welcomed the initiative of Japan to establish a UNEP centre in Japan for the transfer of technology, the details of which were being negotiated. The third category, had been the focus on the future outlook of UNEP, including possible modalities to strengthen it.

172. After the customary exchange of courtesies, the President declared the second special session of the Governing Council closed.

Annex I

DECISIONS ADOPTED BY THE GOVERNING COUNCIL AT ITS SECOND SPECIAL SESSION

Decision No.	Title	Date of adoption	Page
SS.II/1	Strengthening of the role of the United Nations Environment Programme and the Governing Council	3 August 1990	33
SS.II/2	New developments in the protection of the ozone layer	3 August 1990	34
SS.II/3	Climate		
	A. Second World Climate Conference	3 August 1990	35
	B. Intergovernmental Panel on Climate	3 August 1990	36
	C. Framework convention on climate change	3 August 1990	38
SS.II/4	Hazardous wastes		
	A. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	3 August 1990	39
	B. Comprehensive approach to hazardous waste	3 August 1990	40
SS.II/5	International legal instrument on the biological diversity of the planet	3 August 1990	42
SS.II/6	Need for effective global protection of ocean and coastal ecosystems	3 August 1990	43
SS.II/7	Location of meetings of the open-ended negotiating groups on biological diversity and climate change	3 August 1990	44
SS.II/8	The situation in the Middle East	3 August 1990	45
SS.II/9	Priority evolving environmental issues for consideration by the Preparatory Committee for the 1992 United Nations Conference on Environment and Development	3 August 1990	45

SS.II/1. Strengthening the role of the United Nations Environment Programme and the Governing Council

The Governing Council,

Recalling General Assembly resolution 2997 (XXVII) of 15 December 1972 on institutional and financial arrangements for international environmental co-operation, by which the United Nations Environment Programme was established,

Recalling also General Assembly resolution 42/184 of 11 December 1987 on international co-operation in the field of the environment, particularly paragraph 18, in which the General Assembly requested that the essential catalytic and co-ordinating role of the United Nations Environment Programme be further developed,

Recalling also General Assembly resolution 42/186 of 11 December 1987 on the Environmental Perspective to the Year 2000 and Beyond, in which, inter alia, the General Assembly stressed the essential role of the United Nations Environment Programme within the United Nations system in catalysing environmentally sound and sustainable development,

Recalling also its decision SS.I/1 of 18 March 1988 on programme policy and implementation, particularly its paragraph 1, in which the Governing Council resolved to exercise fully the role expected of it,

Further recalling its decision 15/1 of 25 May 1989 on strengthening the role and effectiveness of the United Nations Environment Programme,

Recalling also General Assembly resolution 44/228 of 22 December 1989 by which it was decided to convene a United Nations Conference on Environment and Development in 1992,

Having considered the report of the Executive Director on priority evolving environmental issues 1/ and, in particular, section V thereof, on strengthening the role of the United Nations Environment Programme and the Governing Council and the proposals of the Executive Director contained therein,

1. Requests the Executive Director to prepare for submission to the Council at its sixteenth session, in consultation with Governments, including the Committee of Permanent Representatives, a consolidated report on the future role of the United Nations Environment Programme, presenting, inter alia, proposals on:

(a) Further strengthening of the United Nations Environment Programme, including the role of its Governing Council;

1/ UNEP/GCSS.II/2 and Corr.1 and 2 and Add.1-4.

(b) A possible special session of the Governing Council in 1992;

(c) Ways and means to further enhance the visibility of the United Nations Environment Programme;

2. Further requests the Executive Director to prepare for submission to the Council at its sixteenth session a detailed report explaining the basis of his recommendations for setting a substantially increased target for annual contributions to the Environment Fund by the year 1995; 2/

3. Recognizes that as a consequence of the 1992 United Nations Conference on Environment and Development further consideration may need to be given to the role of the United Nations Environment Programme.

5th meeting
3 August 1990

SS.II/2. New developments in the protection of the ozone layer

The Governing Council,

Recalling its decision 15/35 of 25 May 1989 on progress in the protection of the ozone layer,

Noting that the General Assembly in its resolution 44/229 of 22 December 1989 expressed satisfaction with the progress made on the protection of the ozone layer,

Noting with satisfaction the results of the Second Meeting of the Parties to the Montreal Protocol, held in London from 27 to 29 June at the invitation of the Government of the United Kingdom, 3/

1. Welcomes the results of the Second Meeting of the Parties to the Montreal Protocol, in particular the decisions taken to strengthen the Protocol, the establishment of a financial mechanism to enable developing countries to comply with the control measures of the Protocol and the progress made in respect of transfer of technology;

2. Notes with satisfaction that at the Second Meeting of the Parties to the Montreal Protocol, a number of States announced that they would shortly become party to the Protocol;

2/ UNEP/GCSS.II/2 and Corr.1 and 2, para.158.

3/ See the report of the Second Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.2/3).

3. Urges all States that have not yet done so to become party to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol;

4. Requests the Executive Director to continue to give full support to the activities as approved by the Parties to the Vienna Convention and the Montreal Protocol.

5th meeting
3 August 1990

SS.II/3. Climate

A. Second World Climate Conference

The Governing Council,

Recalling General Assembly resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind, and Assembly resolution 44/228 of 22 December 1989 on United Nations Conference on Environment and Development,

Recalling also its decision 15/36 of 25 May 1989 on global climate change,

Noting resolution 4.2/1 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on the Second World Climate Conference,

1. Authorizes the Executive Director to convene, jointly with the Secretary-General of the World Meteorological Organization, and in close consultation with the executive heads of the International Council of Scientific Unions, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, following the fourth session of the Intergovernmental Panel on Climate Change, a preparatory meeting open to all interested Governments, to include, where feasible, experts who have been involved in the Panel process, in order to prepare the draft of a ministerial declaration for the Second World Climate Conference, taking into account:

(a) Prior consultations with Governments;

(b) The work of the Intergovernmental Panel on Climate Change, including its first assessment report;

(c) The results of any prior preparatory meetings for the negotiation of a framework convention on climate change and other related legal instruments as appropriate;

(d) The work of the Preparatory Committee for the 1992 United Nations Conference on Environment and Development;

/...

(e) The need for continuation and enhancement of the necessary scientific research, monitoring and environmental and socio-economic studies of climate and climate change and the enhancement and maintenance of the observation networks that provide the requisite data for these studies as the foundation upon which response strategies and policy options from near-and long-term perspectives will be based;

(f) The need to support the international exchange of information and analyses on climate and climate change;

(g) The need to support intergovernmental agencies and national climate institutions, in particular those in developing countries;

2. Further authorizes the Executive Director to request, jointly with the Secretary-General of the World Meteorological Organization, the Secretary-General of the United Nations to plan to take into account the outputs of the Second World Climate Conference in the discussion of the climate issue during the forty-fifth session of the United Nations General Assembly;

3. Requests the Executive Director to report to the Council at its sixteenth session on the implementation of this decision and on the potential implications to the United Nations Environment Programme and to ensure a wide distribution of the recommendations, declaration and proceedings of the Conference, timely implementation of the recommendations as appropriate through follow-up regional conferences and workshops and other forms of technology transfer, as possible and within available resources, and that relevant outputs of the Second World Climate Conference are brought to the attention of the Preparatory Committee for the 1992 United Nations Conference on Environment and Development.

5th meeting
3 August 1990

B. Intergovernmental Panel on Climate Change

The Governing Council,

Recalling its decision 15/36 of 25 May 1989 on global climate change,

Bearing in mind General Assembly resolution 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind,

Noting resolution 2.6/1 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on the Intergovernmental Panel on Climate Change,

Noting with satisfaction the progress made by the Intergovernmental Panel on Climate Change,

Noting also the need for the continuation of the work of the Panel expressed by many Governments at the third plenary session of the Panel, held in Washington D.C. from 5 to 7 February 1990,

/...

Having in mind the forthcoming Second World Climate Conference during which the Panel's first assessment report will be considered,

1. Requests the Executive Director to arrange, jointly with the Secretary-General of the World Meteorological Organization, for the continuation of the Panel as a joint panel of the United Nations Environment Programme and the World Meteorological Organization, ensuring that its future work is supportive of and responds to the needs and requests of the climate convention negotiating group and that it is so structured as to facilitate and ensure more active participation of developing countries, particularly in avoiding proliferation of meeting locations and co-incidence of meeting dates. The Panel should, inter alia:

(a) Undertake scientific and technical work in support of the negotiations of a framework convention on climate change;

(b) Periodically update the assessments of the available scientific information on climate change and the resulting environmental and socio-economic impacts;

(c) Undertake further environmental and socio-economic analyses of the various policy options from near- and long-term perspectives posed as response strategies;

(d) Evaluate the special problems of the developing countries and small island States in their efforts to address the issue of climate change and assess possible options to deal with these problems;

(e) Further pursue studies on the incremental costs to developing countries and small island States of combating climate change, as well as on the sources from which such costs may be met and on mechanisms for the channelling of these resources, and present these studies for consideration at the negotiating sessions as soon as possible;

(f) Take all appropriate steps to ensure the effective participation of developing countries and small island States and the broad dissemination of its work and urges Governments to continue to make financial contributions for these purposes;

2. Further requests the Executive Director to report regularly to the Governing Council on the progress of the work of the Panel and, jointly with the Secretary-General of the World Meteorological Organization, to report on that progress to the United Nations General Assembly;

3. Also requests the Executive Director, in consultation with the Secretary-General of the World Meteorological Organization, to review the report of the Panel and the results of the Second World Climate Conference in the light of their possible implications for the United Nations Environment Programme and to report on the review to the Governing Council at its sixteenth session.

5th meeting
3 August 1990

/...

C. Framework Convention on Climate Change

The Governing Council,

Noting General Assembly resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind and Assembly resolution 44/228 of 22 December 1989 on United Nations Conference on Environment and Development,

Noting also the relevant parts of declarations and decisions adopted at various intergovernmental and non-governmental meetings during 1989 and 1990,

Further noting resolution 4.1/1 (EX-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on framework convention on climate change,

Taking note of the work of the Intergovernmental Panel on Climate Change, which has included the compilation of the possible elements of a framework convention on climate change,

Recalling its decisions 14/20 of 18 June 1987 and 15/36 of 25 May 1989 on global climate change,

Recalling also resolution 4 (EC-XLI) of the Executive Council of the World Meteorological Organization on global climate change,

Recognizing the actions taken by the Executive Director in co-operation with the Secretary-General of the World Meteorological Organization to respond to the request in Governing Council decision 15/36 to begin preparations for negotiations on a framework convention on climate change,

Recalling that the adoption by the General Assembly of resolution 44/207 demonstrated a universal recognition by Governments of an urgent need for concerted international efforts to address the climate change issue, in particular by beginning negotiations, as soon as possible after the adoption of the first assessment report of the Intergovernmental Panel on Climate Change, on a framework convention on climate change in accordance with paragraph 10 of the resolution and adopting the convention, if possible at the United Nations Conference on Environment and Development in 1992,

Convinced that further steps are needed to implement the decisions of the United Nations General Assembly and those of the governing bodies of the United Nations Environment Programme and the World Meteorological Organization on the negotiations of a framework convention on climate change,

1. Authorizes the Executive Director to convene, jointly with the Secretary-General of the World Meteorological Organization, an open-ended working group of government representatives to prepare for negotiations on a framework convention on climate change, in September 1990, after the adoption of the interim report of the Intergovernmental Panel on Climate Change at its fourth session, to be held in Sweden;

/...

2. Requests the Executive Director to convene jointly with the Secretary-General of the World Meteorological Organization, after a decision is taken by the General Assembly at its forty-fifth session recommending ways, means and modalities for further pursuing these negotiations, the first negotiating session of the open-ended working group on the framework convention on climate change, and other related legal instruments as appropriate, and taking into account the interim report of the Intergovernmental Panel on Climate Change and the results of the Second World Climate Conference. This session should be held not later than February 1991;

3. Notes with appreciation the invitation of the Government of the United States of America to host that session;

4. Further requests the Executive Director:

(a) To report, jointly with the Secretary-General of the World Meteorological Organization, to the United Nations General Assembly at its forty-fifth session, and, in consultation with the Secretary-General of the World Meteorological Organization, to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, on the progress in the preparations for negotiations on a framework convention on climate change;

(b) To report to the Governing Council at its sixteenth session on the progress of the actions under this decision;

5. Urges the Executive Director to continue, jointly with the Secretary-General of the World Meteorological Organization, his contacts with Governments to seek financial contributions to enable the widest possible participation of developing countries in the negotiations.

5th meeting
3 August 1990

SS.II/4. Hazardous wastes

A. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The Governing Council,

Recalling its decision 15/33 of 25 May 1989 on progress in the control of transboundary movements of hazardous wastes,

Having considered those sections of the report of the Executive Director on priority evolving environmental issues concerning hazardous wastes and, in particular, the status of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and contributions to the costs of its Interim Secretariat, 4/

4/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 51-52, and UNEP/GCSS.II/2/Add.3, paras. 24-32.

Having taken note of the view of the Executive Director that the shortage of contributions to the costs of the interim Secretariat threatens to endanger the implementation of the resolutions adopted by the Basel Conference of Plenipotentiaries on a Global Convention on the Control of Transboundary Movements of Hazardous Wastes, 5/

Noting with satisfaction the contributions that have already been made by some States that signed the Final Act of the Basel Conference to meeting the costs of the Interim Secretariat of the Basel Convention and the activities that it is carrying out,

1. Calls upon all States that signed the Final Act of the Basel Conference to contribute forthwith to continuing costs of the Interim Secretariat;

2. Further calls upon all States to sign and ratify the Basel Convention, if they have not already done so, and to strengthen their co-operation in problem areas within the scope of the Convention.

5th meeting
3 August 1990

B. Comprehensive approach to hazardous waste

The Governing Council,

Aware of the degradation of marine ecosystems, particularly in coastal areas, and the threat to the marine environment from a variety of polluting sources,

Conscious of the vast diversity and complexity of biological species, ecosystems, and chemical compounds introduced into the environment,

Noting that numerous international forums, including the Governing Council at its fifteenth session and the Summit of the seven major industrial nations, have recognized the need to protect biological diversity and that waiting for conclusive scientific proof regarding the impact of contaminants entering the environment may result in significant and irreversible damage to the environment and to the human population,

Also noting the recent adoption of an environmental protection and enhancement approach based on precautionary, preventative action by the following international forums: the Governing Council at its fifteenth session, the ministerial conferences on the protection of the North Sea, the Paris and Oslo Commissions, meetings under the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, the Nordic Council's International Parliamentarian Conference on Pollution of the Seas, the Nordic Council, the European Parliament, the Bergen Conference Ministerial Declaration, and meetings under the Vienna Convention for the Protection of the Ozone Layer,

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5/ UNEP/GCSS.II/2 and Corr.1 and 2, para. 51.

Taking note of global conventions such as the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the 1973 International Convention for the Prevention of Pollution from Ships and its Protocol of 1978, and the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and regional conventions, such as the 1972 Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, the 1974 Paris Convention for the Prevention of Marine Pollution from Land-based Sources, the conventions in connection with the regional seas programme of the United Nations Environment Programme for the Mediterranean, West and Central African, Eastern African, South-East Pacific, South Pacific, Wider Caribbean, Red Sea and Gulf of Aden and the Kuwait regions, as well as other relevant conventions adopted and under preparation,

Recognizing that, notwithstanding the measures already adopted and implemented by national Governments and the contracting parties to international conventions, additional measures are necessary to protect and enhance the environment, in particular, by focusing on alternatives to the disposal of wastes and the release of emissions into the environment, especially in relation to the use of alternative clean production methods so that hazardous waste production is minimized and prevented,

Recognizing further the need for international multilateral and bilateral co-operation in developing such alternatives, in particular co-operation and assistance in the areas of research, development and implementation of clean production processes and product substitution in order to minimize the generation of wastes in general, and avoid the generation of hazardous wastes in particular,

Realizing the importance of the 1992 United Nations Conference on Environment and Development and the meetings of its Preparatory Committee, which will address, among other things, pollution problems and the adequacy of current international regulatory régimes and measures,

Recognizing the assistance needed by developing countries to develop expertise for identification, analysis and impact assessment of hazardous wastes,

Recognizing the assistance needed by developing countries to create the necessary technical and administrative infrastructure for the implementation of international conventions,

1. Appeals to Governments and appropriate international forums taking economic costs into consideration to consider alternative clean production methods - including raw material selection, product substitution, and clean production technologies and processes - as a means of implementing a precautionary approach in order to promote production systems which minimize or eliminate the generation of hazardous wastes and optimize use of raw materials, water and energy, for example through recycling;

2. Agrees to consider, among other measures, the development of an integrated approach to pollution control examining all aspects of environmental effects and the role and effectiveness of various kinds of economic incentives with a view to promoting and assisting with the implementation of clean production methods, taking into account principles for preventing pollution at the source;

/...

3. Appeals to Governments to seek to strengthen measures to ensure that those responsible for pollution should bear the cost of its clean-up;

4. Requests the Executive Director to strengthen the activities of the Industry and Environment Office related to the development of clean technologies in the field of hazardous wastes;

5. Further appeals to Governments and institutions to consider other appropriate measures to expedite the prevention, where possible, or minimization of hazardous wastes and substances and further appeals to appropriate international forums to contribute to this end;

6. Requests the Executive Director to bring this issue to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development;

7. Appeals to all Governments that have not already done so to act as soon as possible to sign and ratify the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, recognizing the urgent need to control transboundary movements of hazardous wastes.

5th meeting
3 August 1990

SS.II/5. International legal instrument on the biological diversity of the planet

The Governing Council,

Recalling its decision 15/34 of 25 May 1989 on preparation of an international legal instrument on the biological diversity of the planet,

Having considered those sections of the report of the Executive Director on priority evolving environmental issues dealing with the work of the Ad Hoc Working Group of Experts on Biological Diversity, 6/

1. Takes note of the progress made towards developing an international legal instrument on biological diversity;

2. Urges the Executive Director, in conjunction with the members of the Ecosystems Conservation Group, to continue to accord high priority to the work on biological diversity and biotechnology with a view to arriving at an international legal instrument for the conservation and rational use of biological diversity within a broad socio-economic context, taking particular account of the need to share costs and benefits between developed and developing countries and ways and means to support innovation by local people and, to this end, calls upon the Ad Hoc Working Group of Legal and Technical Experts established for this purpose to proceed expeditiously with its task on the basis of the final report of the Ad Hoc Working Group of Experts on Biological Diversity.

5th meeting
3 August 1990

6/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 43-45, and UNEP/GCSS.II/2/Add.3, paras. 18-23.

SS.II/6. Need for effective global protection of ocean and coastal ecosystems

The Governing Council,

Aware that the living resources of the sea are under threat from pollution, land-based development and over-exploitation, and that there is substantial and growing evidence of increasing degradation in near-coastal waters, where marine life is most plentiful,

Recognizing that discharges of wastes into the sea from land (via pipelines, runoff, and atmospheric inputs) are among the most significant sources of marine pollution, as these discharges directly affect the coastal waters where human contact with the ocean and fisheries resources reach their highest levels,

Concerned that the deterioration in environmental quality arising from pollution of ocean and coastal areas has serious implications for sustainable development, especially for some developing countries,

Mindful that the World Commission on Environment and Development, in its report Our Common Future, expressed its conviction that sustainable development, if not survival itself, depends on significant advances in the management of the oceans, 7/

Cognizant that article 197 of the United Nations Convention on the Law of the Sea 8/ provides that States shall co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with the Convention, for the protection and preservation of the marine environment,

Fully aware of the significant progress that the United Nations Environment Programme has made and continues to make, especially through its regional seas programme, in developing appropriate measures for protecting ocean and coastal resources, as well as its special efforts to address land-based sources of marine pollution through the development of the Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-based Sources, 9/ sponsored by the United Nations Environment Programme and adopted in 1985,

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7/ UNEP/GC.14/13, annex, chap. 10, para. 15.

8/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

9/ See Environmental Law Guidelines and Principles No.7 (United Nations Environment Programme, Nairobi, 1985).

Recognizing that the second special session of the Governing Council presents a special opportunity to present matters of concern to participants in the Preparatory Committee for the United Nations Conference on Environment and Development, which will meet in Nairobi from 6 to 31 August 1990,

Further recognizing that control of pollutants entering coastal and marine areas requires effective national mechanisms to address increasing development and human populations in nearby land areas,

1. Appeals to Governments and international agencies and forums to strengthen and expedite measures at the global, regional and national levels that will protect the living resources of the sea from all sources of marine pollution and provide for sustainable development of those resources;

2. Calls upon Governments and international agencies and forums to take special steps at the global, regional and national levels to address the serious and growing problem of land-based sources of marine pollution;

3. Urges the participants in the Preparatory Committee for the United Nations Conference on Environment and Development to consider developing or strengthening institutional, legal and other measures at the regional level, including those that complement and support the regional seas programme of the United Nations Environment Programme, as well as at the global level, that will facilitate improved protection and sustainable development of ocean and coastal resources, including more effective co-ordination and exchange of standards, recommended practices, procedures, information, technology and expertise, and will more effectively address the serious growing problem of land-based sources of marine pollution.

5th meeting
3 August 1990

SS.II/7. Location of meetings of open-ended negotiating working groups on biological diversity and climate change

The Governing Council,

Bearing in mind the comparative economic costs of holding meetings in Nairobi as opposed to other venues, as reported by the Executive Director in connection with the second special session of the Governing Council, and the need to strengthen the United Nations Environment Programme as emphasized in the Executive Director's report on priority evolving environmental issues, 10/

Taking full account of General Assembly resolutions 44/207 and 44/228, both of 22 December 1989,

Considering the excellent facilities at the United Nations Office at Nairobi,

Requests the Executive Director, in cases where no host offer is available, to arrange that:

10/ UNEP/GCSS.II/2 and Corr.1 and 2, section V.

(a) Most of the meetings of the open-ended working group for negotiating a biological diversity convention take place at the headquarters of the United Nations Environment Programme in Nairobi;

(b) Most of the meetings of the open-ended working group for negotiating a framework convention on climate change take place in Geneva and in Nairobi on an alternate basis with the exception of the first negotiating session.

5th meeting
3 August 1990

SS.II/8. The situation in the Middle East

The Governing Council,

Aware of the adverse impact of war on the natural environment and on the social and economic structure of societies,

Further aware of the need for peace and security as an essential requirement for the protection of the environment and sustainable development,

1. Reaffirms that all States Members are to adhere to the principles of the Charter of the United Nations and not to resort to force as a means of settling regional disputes over shared natural resources;

2. Expresses its concern over the invasion of Kuwait by Iraq and the resulting destruction of the environment and disruption of social and economic structures.

5th meeting
3 August 1990

SS.II/9. Priority evolving environmental issues for consideration by the Preparatory Committee for the 1992 United Nations Conference on Environment and Development

The Governing Council,

I

Taking note of General Assembly resolution 44/228 of 22 December 1989 by which it was decided to convene a United Nations Conference on Environment and Development in 1992,

Having considered the report of the Executive Director on priority evolving environmental issues, 11/

1. Requests the Executive Director to ensure that the United Nations Environment Programme contributes fully to the preparations of the Conference on the basis of guidelines and requirements to be established by the Preparatory Committee;

11/ UNEP/GCSS.II/2 and Corr.1 and 2 and Add.1-4.

2. Further requests the Executive Director to make available the report of the Council on the work of its second special session to the Preparatory Committee for the 1992 United Nations Conference on Environment and Development for its information;

3. Invites the Preparatory Committee to consider and provide overall guidance to the negotiation process and preparation of resolutions of the United Nations Conference on Environment and Development regarding the issues set out in sections II-XIII of the present decision;

II

CLIMATE CHANGE

Recalling its decision 15/36 of 25 May 1989 on global climate change,

Bearing in mind General Assembly resolution 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind,

1. Draws to the attention of the Preparatory Committee the need for Governments to take specific actions at the national level which help combat possible climate change, including actions that are in themselves economically sound;

2. Also draws to the attention of the Preparatory Committee its decision SS.II/3 B of 3 August 1990 and resolution 2.6/1 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on the Intergovernmental Panel on Climate Change, in which, inter alia, the Executive Director was requested to arrange, jointly with the Secretary-General of the World Meteorological Organization, for the continuation of the work of the Panel;

3. Further draws to the attention of the Preparatory Committee its decision SS.II/3 C of 3 August 1990 and resolution 4.1/1 (EX-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization requesting the Executive Director to convene, jointly with the Secretary-General of the World Meteorological Organization, the first open-ended negotiating session on the framework convention on climate change not later than February 1991;

4. Recommends that the Preparatory Committee give every encouragement to the Executive Director and to the Secretary-General of the World Meteorological Organization in their joint endeavours concerning a framework convention on climate change and other related legal instruments;

III

TRANSBOUNDARY AIR POLLUTION

Recommends that the Preparatory Committee consider the level of resources needed for adequate and effective monitoring and assessment of background air pollution, including the possible strengthening and expansion of the Background Air Pollution Monitoring Network;

IV

PROTECTION OF OCEAN AND COASTAL AREAS

Noting that the report of the Joint Group of Experts on the Scientific Aspects of Marine Pollution on the state of the marine environment 12/ emphasizes that too little is being done at present, particularly at the national level, in certain areas, to ensure the health of the sea and the maintenance of its resources,

1. Draws to the attention of the Preparatory Committee the fact that, if the deterioration of coastal areas is to be halted or reversed, a major effort will be required in the coming decade to improve the implementation of regional action plans and to facilitate the adoption of concrete measures for pollution control and resource management;

2. Recommends that the Preparatory Committee take up the issue of protection of ocean and coastal areas, including the use of appropriate forms of fishing technology and the conservation of marine mammals and other forms of marine life and the efficiency of available technology for combating oil pollution in the high seas;

3. Further recommends that the Preparatory Committee examine specific actions in respect of the issues referred to in paragraph 2 above over specific periods of time, indicating their costs and identifying the sources from which such costs may be met, with the aim of the Conference adopting appropriate recommendations;

V

COMBATING DESERTIFICATION

Noting that, in accordance with paragraphs 6 and 7 of General Assembly resolution 44/172 A of 19 December 1989, two reports will be submitted to the Preparatory Committee on the subject of desertification, one a composite report on progress in the implementation of the Plan of Action to Combat Desertification and the other a self-contained expert report on the financing of anti-desertification programmes, as described in the report of the Executive Director on priority evolving environmental issues, 13/

Recognizing that, while desertification is a problem which must be combated primarily at the national level, the issue should also receive appropriate attention in international forums and assistance to affected countries should be promoted and facilitated,

Stressing the importance of observation and research networks and noting, in that context, the planned observatory of the Sahara and the Sahel,

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12/ IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), The State of the Marine Environment, GESAMP Reports and Studies Series No. 39 (United Nations Environment Programme, 1990).

13/ See UNEP/GCSS.II/2 and Corr.1 and 2, para. 36.

1. Recommends that the Preparatory Committee review the situation with respect to desertification, deforestation and land degradation, giving special attention to the utilization of marginal resources, with a view to recommending specific actions over specific periods of time, indicating their costs and identifying the sources from which such costs may be met with the aim of the Conference adopting appropriate recommendations;

2. Offers the assistance of the United Nations Environment Programme to the Preparatory Committee in making an intergovernmental assessment, within available resources, seeking co-operation with the Food and Agriculture Organization of the United Nations, of the World Soils Policy, adopted in 1982, development of appropriate further measures for its implementation and preparation of elements for a draft Conference resolution on the subject;

VI

THE ROLE OF REGIONAL AND SUBREGIONAL ENVIRONMENT PROGRAMMES

Recognizing that some environmental issues are best dealt with at the regional and subregional level,

Noting the progress made so far in the establishment of bodies for regional and subregional environmental co-operation programmes,

Brings to the attention of the Preparatory Committee the fact that existing and prospective regional and subregional environmental co-operation programmes, and particularly the Cairo Programme for African Co-operation of the African Ministerial Conference on the Environment, require more financial and technical support;

VII

AVAILABILITY OF RESOURCES FOR DEVELOPING COUNTRIES AND FUNDING MECHANISMS

Concerned about the availability of financial and other resources for protection of the environment, particularly in developing countries, 14/

Noting the recent efforts 15/ to establish funding mechanisms to provide new and additional resources to developing countries to enable them to meet their specific environmental needs,

1. Draws to the attention of the Preparatory Committee the urgent need for making new financial and other resources available to the developing countries additional to the current flow of resources made available to them on concessionary terms, to enable them to meet the cost of adopting and implementing pollution-free technologies and other pressing environmental needs, in particular cases to be decided upon;

14/ See UNEP/GCSS.II/2 and Corr.1 and 2, paras. 64-69.

15/ Ibid., para. 72, and report of the Second Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.2/3).

2. Also draws to the attention of the Preparatory Committee the equally urgent need for agreement on a mechanism or mechanisms which can respond effectively, quickly and flexibly to the support required by developing countries to implement their obligations under international environmental agreements;

3. Recommends to the Preparatory Committee that the subject of financial and other resources for the developing countries, additional to the current flow of resources to them, to enable them to meet their environmental needs be fully considered on the basis of specific studies in the Committee's deliberations and recommendations;

VIII

ENVIRONMENT, ECONOMICS AND SECTORAL POLICIES

Recommends that the Preparatory Committee review and consider appropriate actions to introduce environmental considerations into sectoral policies regarding energy, transport, industry, agriculture, and other relevant sectors, as well as appropriate actions on the basis of the comments made by the Governing Council 16/ on the views presented by the Executive Director, 17/ other relevant bodies of the United Nations system, and the Organisation for Economic Co-operation and Development, on the subject of environment and economics;

IX

TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGY

Recalling General Assembly resolution 44/227 of 22 December 1989 particularly the references in paragraphs 10 and 11 to the transfer of environmentally sound technology,

Recalling section I, paragraph 15 (m), of General Assembly resolution 44/228 of 22 December 1989,

Further recognizing the role played by the Industry and Environment Office of the United Nations Environment Programme in the field of transfer of environmentally sound technology,

1. Draws to the attention of the Preparatory Committee the comments made by the Governing Council 18/ on the views expressed by the Executive Director on the subject of transfer of technology; 19/

16/ See the proceedings of the Governing Council on the work of its second special session (UNEP/GCSS.II/3), paras. 130-136.

17/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 95-106.

18/ See the proceedings of the Governing Council on the work of its second special session (UNEP/GCSS.II/3), paras. 90, 109 and 125-128.

19/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 78-89.

2. Proposes that the Preparatory Committee, in light of section I, paragraph 15 (m), of General Assembly resolution 44/228, keep under review experience on and problems in access to and the transfer of environmentally sound technology, in particular to the developing countries;

X

BIOLOGICAL DIVERSITY AND BIOTECHNOLOGY

Recalling its decision 15/34 of 25 May 1989 which concerned biological diversity and biotechnology,

1. Draws the attention of the Preparatory Committee to the ongoing work of the Ad Hoc Working Group of Experts on Biological Diversity, which held its third session in Geneva from 9 to 13 July 1990, and to the ongoing work of the United Nations Industrial Development Organization/United Nations Environment Programme/World Health Organization informal working group on biotechnology safety;

2. Recommends that the Preparatory Committee give every encouragement to the Executive Director of the United Nations Environment Programme in his endeavours to continue the work on biological diversity and biotechnology with a view to arriving at an international legal instrument on biological diversity within a broad socio-economic context and to the United Nations Industrial Development Organization/United Nations Environment Programme/World Health Organization informal working group to come up with specific recommendations for safety in biotechnology;

XI

FRESHWATER

Taking note of the plans for holding a conference on water and the environment in 1992 20/ as a co-operative effort of the agencies involved in the Inter-Secretariat Group on Water Resources of the Administrative Committee on Co-ordination, together with the United Nations Environment Programme;

Suggests that the preparations be accelerated with the aim of holding the conference in 1991 and that the conference should include sessions of governmental experts to prepare elements for draft resolutions of the 1992 United Nations Conference on Environment and Development with regard to freshwater resources and their effective use;

XII

HAZARDOUS SUBSTANCES

1. Offers the assistance of the United Nations Environment Programme to the Preparatory Committee in reviewing the practical operation of the London Guidelines for the Exchange of Information on Chemicals in International Trade, in light of the report requested by the Council in paragraph 11 (c) of its decision 15/30 of 25 May 1989, on further steps to supplement the amended London Guidelines, including the possible further need for a convention;

20/ See A/CONF.151/PC/6, para. 39 (d), transmitted to members of the Governing Council by a note of the Executive Director (UNEP/GCSS.II/INF.3).

2. Also offers the assistance of the United Nations Environment Programme to the Preparatory Committee in preparing, within available resources, recommendations for the safe and appropriate use and disposal of hazardous substances, including the reduction of the use and emissions of hazardous substances that are toxic, persistent and bioaccumulative, with the ultimate aim of eliminating such emissions or, where this is not possible, minimizing them;

XIII

PUBLIC PARTICIPATION

Recalling General Assembly resolution 44/228 of 22 December 1989 by which it was decided to convene a United Nations Conference on Environment and Development in 1992,

Recognizing the importance of ensuring that the widest possible range of public opinion and expertise be brought into the 1992 Conference,

Bearing in mind the experience gained in the preparation and conduct of the Bergen Conference with respect to the full involvement of a range of non-governmental organizations representing environment and development groups, industry, trade unions, scientists, women and youth,

Recommends an active involvement of the non-governmental community in the 1992 Conference and its preparatory process.

5th meeting
3 August 1990

Annex II

LIST OF DOCUMENTS BEFORE THE GOVERNING COUNCIL AT ITS SECOND SPECIAL SESSION

Symbol	Title
UNEP/GCSS.II/1	Provisional agenda
UNEP/GCSS.II/1/Add.1	Annotated provisional agenda and organization of the work of the session
UNEP/GCSS.II/2 and Corr.1 and 2	Priority evolving environmental issues: report of the Executive Director
UNEP/GCSS.II/2/Add.1	Climate change
UNEP/GCSS.II/2/Add.2	Issues calling for policy guidance by the Governing Council at its second special session
UNEP/GCSS.II/2/Add.3	Recent developments concerning matters raised in the report of the Executive Director
UNEP/GCSS.II/2/Add.4	Introductory statement of the Executive Director to the Governing Council at its second special session
UNEP/GCSS.II/L.1	Framework convention on climate change: draft decision submitted by the Committee of Permanent Representatives
UNEP/GCSS.II/L.2	Intergovernmental Panel on Climate Change: draft decision submitted by the Committee of Permanent Representatives
UNEP/GCSS.II/L.3	Second World Climate Conference: draft decision submitted by the Committee of Permanent Representatives
UNEP/GCSS.II/L.4	New developments in the protection of the ozone layer: draft decision submitted by the Committee of Permanent Representatives

UNEP/GCSS.II/L.5	Priority evolving environmental issues for consideration by the preparatory committee of the 1992 United Nations Conference on Environment and Development: draft decision submitted by the Committee of Permanent Representatives
UNEP/GCSS.II/Inf.1	Report on the state of preparedness of documents for the second special session

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